

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NORTEK INC.,

Plaintiff,

-against-

ITT LLC,

Defendant.

ORDER

21-CV-03999 (PMH)

PHILIP M. HALPERN, United States District Judge:

A Discovery Dispute Conference was held on December 13, 2023, concerning the issues raised in Defendant ITT LLC's ("Defendant") December 1, 2023 letter (Doc. 79) and Plaintiff Nortek Inc.'s ("Plaintiff") December 4, 2023 responsive letter (Doc. 80). Counsel for all parties appeared.

As explained more fully at the conference, the Court ruled that Plaintiff's summary chart (identified as Bates Number NORTEK00002978) ("Summary Chart") and other documents produced prior to November 16, 2023, if any, may be used at trial. All other of Plaintiff's documents for the period prior to November 16, 2023 are precluded from use at trial because they were not produced by Plaintiff.

The Court further directed Plaintiff to turn over all invoices that form the basis for its Summary Chart ("Invoices") by January 12, 2024. To be clear, the Invoices will not be used at trial but must be available to Defendant's counsel should Plaintiff seek to use the Summary Chart. The parties were directed to meet and confer concerning the need for redactions and/or an agreement on privilege in connection with the Invoices. To the extent Plaintiff seeks to engage an expert with respect to the legal fees in the Summary Chart and Invoices, Plaintiff shall identify its

expert by January 12, 2024. Defendant shall identify any expert regarding the legal fees in the Summary Chart and Invoices by January 26, 2024.

The Court further directed that the parties file their combined Rule 56.1 Statement, in accordance with this Court's Individual Practices, by January 26, 2024. Given the statements made by the parties at the conference concerning damages, the Court has concluded that the parties should limit their summary judgment arguments and presentations to liability *only*.

An order referring the parties to Magistrate Judge McCarthy for a settlement conference will be docketed separately.

Dated: White Plains, New York
December 14, 2023

SO ORDERED:



Philip M. Halpern
United States District Judge